

REMARKS

General remarks.

Claims 50-52 and 60 have been allowed.

The Examiner indicated that claim 62 would be allowable if appropriately rewritten in independent form, and to overcome the rejection under 35 U.S.C. §112, ¶2. Applicant has so rewritten this claim, and respectfully requests of the Examiner its allowance as well.

Applicant herein amends claim 58 but the changes to this claim include no impermissible new matter.

The prior art rejections.

Claims 59 and 61

Although the Examiner asserts that Nagasaki anticipates claims 59 and 61, Applicant respectfully requests the Examiner to reconsider this position, and to withdraw this rejection in view of the following key points. Claim 59 includes a requirement for "said first member sealing the ink supply needle of the ink printing apparatus by fitting therewith" (lines 7-8).

In making this rejection, the Examiner read the requirement for such a first member on member 18 of Nagasaki. As Figs. 5 and 6 show, however, the member 18 of Nagasaki never seals *the ink supply needle* by fitting with the ink supply needle. Nagasaki's member 18 seals the ink supply *channel* by fitting with member 19, but never seals the ink supply needle. Applicant points out that Nagasaki's hole is on the side of the needle and so Nagasaki's member 18 cannot seal the needle. If the hole were on top, however, Nagasaki's member 18 would *always* seal the needle, rendering the device inoperative for its intended purpose. Thus, Nagasaki cannot be said to provide a prior art teaching that anticipates the subject matter of claim 59.

In other words, because the Examiner's reading of the requirements of claim 59 on Nagasaki does not fulfill the requirement for "said first member sealing the ink supply needle of the ink printing apparatus by fitting therewith," Nagasaki cannot reasonably be said to anticipate

claim 59 within the meaning of 35 U.S.C. § 102. Applicant therefore respectfully requests the Examiner to withdraw this rejection of claim 59.

Turning now to independent claim 61, Applicant points out the identical requirement for "said first member sealing the ink supply needle of the ink printing apparatus by fitting therewith" (lines 9-10). For reasons that are thus the same, *mutatis mutandis*, as those set forth with respect to the rejection of claim 59, Applicant respectfully requests the Examiner also to withdraw this rejection of claim 61.

Independent claim 58 and dependent claim 63.

Independent claim 58 stands rejected over Mitchell for anticipation under 35 U.S.C. §102(b). Applicant respectfully traverses this rejection with respect to the claim as now amended. In particular, it is respectfully submitted that the clarifying amendments to claim 58 clearly patentably distinguish over Mitchell.

In Mitchell, referring for example to column 3, lines 12-13, "the septum 17 is prepunctured to receive a needle 39 therethrough." Further on at column 4, lines 27-28, "the ink cartridge is filled by first piercing the septum 17 with precision with a sharp tapering needle." Thus, the septum 17 cannot be read as the required second member of claim 58.

Besides, if the septum 17 were somehow modified so as to meet the claim as now amended, the septum 17 would be pushed out of the inlet 11. This would result in the septum 17 no longer being functional.

For the foregoing reasons, independent claim 58 is respectfully submitted to be not anticipated by Mitchell, and also not rendered obvious in view of Mitchell's teachings. Applicant therefore respectfully requests the Examiner to withdraw this rejection of independent claim 58 and its dependent claim 63.

Conclusion and request for telephone interview.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the

AMENDMENT UNDER 37 C.F.R. § 1.111
APPLICATION NO. 10/054,898
ATTORNEY DOCKET NO. Q67951

Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly invited to contact the undersigned attorney at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



Kelly G. Hyndman
Registration No. 39,234

SUGHRUE MION, PLLC
2100 Pennsylvania Avenue, N.W.
Washington, D.C. 20037-3213
Telephone: (202) 293-7060
Facsimile: (202) 293-7860

Date: May 27, 2003